COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own motion pursuant to G.L. c. 159, §§ 12 and 16 into Verizon New England, Inc. d/b/a Verizon Massachusetts' provision of Special Access Services	DTE 01-34

AT&T COMMENTS IN RESPONSE TO DEPARTMENT REQUEST

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Introduction

In reaction to numerous complaints regarding Verizon's performance in special access provisioning and its detrimental effect on Massachusetts businesses, the Department opened this docket on March 16, 2001. Under the strong leadership of the Department and in the face of repeated resistence of Verizon over the course of more than a year, the Department and the parties developed at great cost a clear and compelling record based on Verizon data and statistical calcutions that show marked disparity in the performance Verizon provides to its retail customers compared to the performance it provides to its wholesale customers. Remarkably, there is no dispute regarding the data or the statistical calculations. Verizon's only defense is an assertion, without any attempt to present data supporting it, that the retail and wholesale processes are so different that they cannot be compared. In its surrebuttal testimony, AT&T took the uncontested data and adjusted for each process difference claimed by Verizon. Even after adjustment for

Verizon's claimed process differences, the uncontested data continues to show marked disparity.

On April 19, 2005, Department staff requested comment on a proposal to close this docket ("*April 19 Proposal*"), apparently without any Department decision, ruling, or factual findings, despite the enormous resources that were devoted to this case, the substantial and compelling record that was developed, and the continuing importance of the issues raised by this case to the ability of Massachusetts businesses to obtain advanced telecommunications services from the provider of their choice. For the reasons set forth below, AT&T – designated as a party with procedural rights in this proceeding – vigorously objects to the closing of this docket without factual findings regarding the evidence that has been presented and a detemination of appropriate relief in light of such findings. In short, AT&T asks only that the Department complete its own stated purpose of this proceeding: "to determine through presentation of evidence: (1) whether Verizon's special access services are unreasonable under G.L. c. 159, § 16; and (2) if so, what steps Verizon should be required to take to improve its special access services." [1]

As AT&T shows below, the assumptions upon which the *April 19 Proposal* is based are unfounded. Verizon's special access provisioning continues to be a problem. Indeed, the attached tables and charts show that in the years following the closure of the record in this docket, Verizon-North (*i.e.*, the former NYNEX) has – in every single month – provided *worse* service than that provided by any non-Verizon regional bell operating company ("RBOC"), and the difference in performance has been *enormous*. In fact, Verizon provides worse service in its former NYNEX territory than it provides in its

[1] D.T.E. 01-34, *Vote and Order To Open Investigation* (March 14, 2001) ("*Order To Open*"), at 4.

former Bell Atlantic and former GTE territories. The second reason the *April 19 Proposal* gave for proposing to close this docket is also based on an unfounded assumption. The existence of an FCC proceeding regarding interstate special access performance is not a reason to close this docket when the FCC has shown no interest since the opening of its own docket in doing anything about the problem. Indeed, if presented to the FCC, findings that the Department can make in this case could have a significant and beneficial effect on bringing about effective corrective action by the FCC. Finally, the *April 19 Proposal* underestimates the Department's power to influence Verizon's interstate access provisioning practices. Even if the Department does not have jurisdiction, a Department willingness to issue findings of fact and to express its concern over the detrimental effect such practices are having on the Massachusetts economy could have a positive impact on Verizon's provisioning practices. Each of these issues is discussed in more detail below in our comments section.

Background

1. *The Department's Initiation of This Proceeding and Its Concern Over Verizon's Special Access Provisioning.*

On March 16, 2001, the Department opened this docket with the release of its *Vote and Order To Open Investigation* ("*Order To Open*"). In its *Order To Open,* the Department reviewed anecdotal evidence that it had heard regarding unreliable and slow special access provisioning by Verizon and the impact it was having on business end-users.[2] Indeed, it heard from one end-user who attributed Verizon's lack of reliability in provisioning special access circuits as one reason for moving some of its business out of

[2] *Order To Open*, at 3.

state.[3] It heard from another end-user who explained that "Verizon's delays are negatively impacting its move to internet business."[4] The Department noted that it had tried to resolve the problem through informal discussions with Verizon, but that "this issue does not appear to be amenable to resolution through informal means."[5]

Based on its determination that informal discussions with Verizon had proven unsuccessful, the Department found "that a proceeding should be instituted to investigate Verizon's provision of special access services in Massachusetts."[6] As noted at the outset of these comments, the Department stated that its purpose was "to determine through presentation of evidence: (1) whether Verizon's special access services are unreasonable under G.L. c. 159, § 16; and (2) if so, what steps Verizon should be required to take to improve its special access services."[7]

2. *AT&T's Intervention Based on the Affect of The Department's Decision in this Case On AT&T's Ability To Compete.*

On March 29, 2001, AT&T filed a Petition to Intervene pursuant to 220 C.M.R. §1.03(1), in which it requested designation as a party. In its petition, AT&T averred:

> Because AT&T is both a customer and competitor of Verizon in the provision of special access, the manner in which Verizon provides special access impacts the ability of AT&T to compete with Verizon in Massachusetts. *For the foregoing reasons, AT&T will be substantially and specifically affected by the Department's review and decision in this docket*.[8]

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3 *Id.*

4 *Id.*

5 *Id., at 3-4.*

6 *Id.,* at 4.

7 *Id.*

8 AT&T Petition To Intervene, at 1 (emphasis added).

On the basis of AT&T's unrebutted statement that the decision in this case will "substantially and specifically" affect the ability of AT&T to compete with Verizon in Massachusetts, the Department granted AT&T's Petition to Intervene.

3. *The Extensive Efforts Required To Obtain Appropriate Data From Verizon.*

Following its intervention in this case, AT&T devoted enormous resources to the investigation of Verizon's performance in provisioning special access circuits. As the Department knows, obtaining the data necessary to make the correct comparisons between Verizon's wholesale and retail provisioning involved an unusually long and arduous process. In its initial *Order To Open*, the Department had requested that Verizon provide a report of its special access provisioning performance by May 4, 2001. When Verizon submitted it on May 24, 2001 following an extension request, the data contained in it did not permit a statistically significant analysis to be done, because Verizon had omitted all data related to the provisioning of interstate access circuits. In response to an AT&T motion filed two weeks later on April 6, the Department issued an interlocutory order on August 9, 2001, ordering Verizon to provide interstate special access provisioning data within 30 days, or about September 8, 2001.[9] Verizon resisted.

On August 29, 2001, Verizon filed a motion for partial reconsideration or clarification, asking the Department not to put on the record any interstate access

[9] D.T.E. 01-34, *Order on AT&T Motion to Expand* (August 9, 2001) ("*August 9 Order*"), at 12 ("Therefore, in order to receive a statistically valid sample size, the Department will require that Verizon supplement its May 24, 2001 Special Access Report with data on federal special access services in the same manner as intrastate special access services. Verizon has stated that its provisioning of federal circuits is identical to its provisioning of in-state circuits. Therefore, the Department orders Verizon to file a supplemental Special Access Report, to include data from the federally tariffed special access services.").

provisioning data that Verizon may provide in its report. In its October 25, 2001, Decision, the Department denied Verizon's request.[10]

Verizon filed a supplement to its March 24, 2001, Report on September 7, 2001, purportedly containing information regarding interstate special access circuits. The information, however, was poorly presented and unclear. As a result, the Hearing Officer convened a technical session on October 11, 2001. Following the technical session, AT&T concluded that the information and the form in which it was provided were useless. AT&T requested the opportunity to propound interrogatories that would detail the information and the form in which it should be provided, so that a comparison could be made between Verizon wholesale and retail provisioning performance.

AT&T and MCI (then WorldCom) invested substantial resources into preparing two carefully worded sets of information requests. On October 17 and 24, AT&T and MCI propounded a first and second set of information requests, respectively. When Verizon responded, it failed to answer many of the information requests, and the presentation of the evidence was again obscure. Moreover, Verizon did no better with the Department's request for information.[11] As a result, another technical session was held, this one on December 13, 2001. In that technical session we learned that that many

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[10] In denying Verizon's request for reconsideration, the Department stated that due to the small number of intrastate circuits, "it was necessary to include data related to interstate circuits as relevant evidence in this investigation in order to help us assess the statistical confidence of the intrastate results (given that intrastate and interstate circuits seem to be provisioned in apparently an identical manner)." D.T.E. 01-34, *Order on Verizon's Motion for Partial Reconsideration and/or Clarification* (October 25, 2001) ("*October 25 Order*"), at 8. Moreover, the Department agreed with AT&T that it can inquire into the provisioning of non-jurisdictional, interstate facilities when relevant to assessing the provisioning of jurisdictional, intrastate performance. *October 25 Order*, at 9.

[11] *See*, November 19, 2001 e-mail from Hearing Officer Joan Foster Evans ("As of this date, Verizon has provided the information requested in only one discovery request (out of 76)."). Ms. Evans also noted the delays in responding to the AT&T/MCI discovery. *See, id.* ("While the Department discovery is not due until this Friday, the due dates for responses to the WorldCom/AT&T discovery have passed.").

of the responses Verizon did provide were either unreliable or clearly wrong.[12] Indeed, Verizon simply failed to read carefully the information requests that AT&T and WorldCom had carefully prepared.[13]

Following the December 13 technical session, Verizon continued its confusing filings. For example, Verizon made a December 21, 2001, filing that AT&T believed was intended to correct previously filed information. It was, however, impossible to determine which problems the revised numbers purported to correct. Finally, during January, 2002, almost nine months after Verizon had been asked to provide special access provisioning data, AT&T had accurate information from Verizon that would permit a comparison between Verizon's wholesale and retail special access provisioning. This result, however, was achieved at enormous cost to AT&T.

4. *The Development of a Substantial and Compelling Record*

With accurate and relevant information finally available, it was possible to proceed with this case. On February 6, 2002, AT&T filed the testimony of Eileen Halloran, which presented an analysis of Verizon's data. Ms. Halloran's analysis showed a marked disparity between Verizon's performance on behalf of its retail customers and its performance on behalf of its wholesale customers.

In its reply testimony, filed on February 27, 2002, Verizon claimed that "process differences" prevent comparison of retail and wholesale data. Significantly, Verizon declined to offer any data to support that claim. It did not, for example, seek to show that no disparity would result after adjustments for process differences were made. Verizon

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[12] *See*, December 13, 2001 Technical Session Transcript ("Tr.") at 81-87, discussing mathematical errors and discrepancies among Verizon's responses to WCOM/ATT 1-3, 1-4, 1-5, 1-6, and 1-18.

[13] See Tr. at 44-50, discussing Verizon's failure to capture and report interstate retail data responsive to numerous WCOM/ATT requests.

rested on the assertion that the process differences account for the obvious marked disparity, without providing any data to support that claim.

AT&T filed surrebuttal testimony on April 3, 2002. In contrast to Verizon's handwaving that "process differences" should account for the differences, AT&T presented an analysis of the data accounting for the process differences claimed by Verizon. The result: an inescapable conclusion that Verizon's performance is better for its retail customers than for its wholesale carrier customers.

The Department, therefore, has an unusually clean and clear record before it. It has data and statistical calculations that are uncontested and that show a marked disparity in special access provisioning in favor of Verizon's retail customers and to the detriment of Verizon's competitors and wholesale customers. It has only a claim by Verizon that the disparity is attributable to process differences and a conspicuous absence of data from Verizon that would back that claim up. It has, in addition, hard data from AT&T that shows that the data, when adjusted for Verizon's claimed process differences, will not back up Verizon's claim. This is a record upon which the Department can make findings regarding whether, and the extent to which, Verizon is discriminating in special access provisioning against its wholesale customers with whom it competes.

Comments

I. THE DOCKET SHOULD NOT BE CLOSED WITHOUT A DEPARTMENT DECISION BECAUSE THE FACTS HAVE NOT CHANGED AND THE DEPARTMENT HAS A SUBSTANTIAL ROLE AND POWER TO ADDRESS THE PROBLEM OF VERIZON'S DISCRIMINATORY PROVISIONING.

In the *April 19 Proposal*, two explicit reasons were suggested for closing the docket. Underlying those, there was a third, implicit one. First, based on a lack of complaints, it was assumed that the problem had gone away. Second, based on the

existence of an FCC docket addressing interstate special access provisioning, it was assumed that the problem would be addressed there, especially in light of the fact that the vast majority of special access circuits are provisioned under the federal tariff. Finally, there appears to be an underlying assumption that, because the Department does not have jurisdiction to order changes directly, it has no ability to effect changes to Verizon's interstate special access provisioning.

As demonstrated below, however, the problem has not gone away, and there is no reason to believe that FCC docket, which was opened on November 19, 2001, will be decided any time soon. Moreover, and perhaps more importantly, the Department's findings in this case will be extremely valuable in the FCC proceeding, which lacks a clearly joined and well adjudicated set of facts, such as the one presented here. Furthermore, even if the Department does not have jurisdiction to order Verizon to improve patently interstate deficient provisioning practices, it does have the power to require Verizon to report publicly its performance in provisioning interstate circuits, just as the New York state commission has. Public disclosure of such patently discriminatory practices will likely provide a subtle incentive for Verizon to clean up its act. Finally, the Department does have the power to regulate Verizon's intrastate provisioning practices and a clear record upon which to base an order.

A. VERIZON'S SPECIAL ACCESS PROVISIONING CONTINUES TO BE A SERIOUS PROBLEM.

It was assumed in the *April 19 Proposal* that the absence of complaints supported a "determination that the special access performance problems reported from 1999 to 2001 that led to this investigation have been corrected."[14] A lack of complaints,

[14] *April 19 Proposal*, at 2.

however, should not be interpreted as evidence that the problem has gone away. Because the record was closed, no more complaints were forwarded to the Department, but that does not mean the problem had gone away. Data regarding Verizon's special access provisioning after the 1999-2001 period analyzed on the record of this case demonstrate the continuing problem.

As demonstrated in the attached charts and tables, the performance of Verizon-North (the old NYNEX territory that includes Massachusetts) over the period January 2002 through March 2005 falls systematically and significantly below the performance of every other regional bell operating company ("RBOC") in the country.[15] Indeed, Verizon-North's performance even falls below the performance of Verizon-South, which is systematically the second worst performer among all RBOCs. Verizon-North's monthly on-time percentage for the provisioning of special access circuits to AT&T on the date requested by customers has ranged from less than 30% to – on rare occasions – just over 50%, since the record closed in this docket. Compared to non-Verizon RBOCs, and even compared to other parts of Verizon, this is nothing less than disastrous. Over that same period, the *lowest* on-time montly percentage of any non-Verizon RBOC in any month *exceeded* Verizon-North's *highest* on-time percentage in any month over the entire period. Not surprisingly, Verizon-North was "worst in class" in every month, except one, where Verizon-South barely beat it for this dubious honor.

These on-time percentages cannot be compared directly to those presented in the record of this case, because they are collected from AT&T's internal records, while the data on the record came from Verizon. Moreover, AT&T's internal data are not able to

[15] The heavy green line in the charts represents Verizon's on-time performance. The green shaded row in the data tables upon which the charts are based shows Verizon's monthly on-time performance.

show the extent of Verizon discrimination against its wholesale customer/competitors, because AT&T does not have data on Verizon's retail provisioning performance. In addition, AT&T's data include Massachusetts within the Verizon-North territory. Nonethless, the data in the attached charts and tables are instructive. The data were collected and calculated consistently across all RBOCs. They, therefore, show a monpoly provider of special access circuits whose performance falls well below that which it should, and can, provide as demonstrated by its sister RBOCs.

The Massachusetts business commmunity is dependent upon special access provisioning. The data reflecting Verizon's performance after the closing of the record in this case shows that the business community can expect service in Massachusetts and the rest of New England and New York that is systematically worse than in the rest of the country. It strongly suggests that the business representative who stated that he moved a portion of his business out of state due to Verizon's unreliable special access provisioning[16] is likely not alone. In other words, Verizon's special access provisioning continues to hurt the economy of Massachusetts

To conclude, if the Department were to close this docket on the assumption that there is no longer a special access problem in Massachusetts, it would be doing so on an erroneous assumption unsupported by any facts. We urge the Department "to determine through presentation of evidence: (1) whether Verizon's special access services are unreasonable under G.L. c. 159, § 16; and (2) if so, what steps Verizon should be required to take to improve its special access services." Indeed, it must do so, where Verizon's practices fall short of the standard required by G.L. c. 159, § 16.

[16] *See*, Order to Open, at 3.

B. RATHER THAN BEING A REASON TO CLOSE THIS DOCKET, THE EXISTENCE OF THE FCC PROCEEDING IS AN IMPORTANT REASON FOR THE DEPARTMENT TO MAKE FINDINGS IN THIS DOCKET.

The *April 19 Proposal* referred to an FCC docket in which the FCC is considering the issue of special access performance, as another reason for closing this docket.[17] There is, however, no reason to believe that a decision in the FCC docket will be issued any time soon. More importantly, a decision in this case could have a beneficial impact on the decision-making of the agency that it has concluded has jurisdiction over most of the access circuits in Massachusetts.

The FCC Special Access Measurements Proceeding has been open and pending since November 19, 2001. On that date the FCC issued its *Notice of Proposed Rulemaking* in which it called for "comments within 30 days after publication of this Notice in the Federal Register and . . . reply comments within 21 days after the date for filing comments." Apart from the issuance of a single document almost five years ago, the FCC has done literally ***nothing***. Furthermore, the present moment is not a time when one can reasonably predict how quickly the FCC will focus on the Special Access Measurements Proceeding. Both the Chairman of the FCC and the head of the Wireline Competition Bureau are new, and we do not know where the Special Access Measurements Proceeding will fall within the priorities of the FCC or the Bureau. Moreover, where an issue is a priority matter for the Department, it has in the past been

[17] *April 19 Proposal*, at 2, citing to *In the Matter of Performance Measurements and Standards for Interstate Special Access Services*, CC Docket Nos. 01-321, 00-51, 98-147, 96-98, 98-141, 96-149, 00-229, RM 10329 ("FCC Special Access Measurements Proceeding"), Notice of Proposed Rulemaking, FCC 01-339 (rel. November 19, 2001) ("*Notice of Proposed Rulemaking*").

unwilling to wait for FCC action, even when the expected FCC action is essential to the completion of the Department's case. [18]

In any event, the existence of the FCC's Special Access Measurements Proceeding does not mean that the Department should decline to act in this docket. On the contrary, the Department's action here could be extremely beneficial to the FCC in its deliberations and decision-making in the Special Access Measurements Proceeding. As we pointed out at the outset of these comments, the Special Access Measurements Proceeding has not been designed as an adjudicatory process in which information is developed, introduced and tested in an adversarial context according to the methods of truth finding that the Department uses in its adjudicatory proceedings. For this reason, if for no other, the Department should make findings of fact regarding Verizon's special access provisioning in Massachusetts on the basis of the extensive and clear record developed.

Indeed, given the enormous resources that have been devoted to this proceeding by all parties and by the Department, it would be inappropriate to "throw away" the fruits of this effort when there is an immediate and beneficial use to which they could be put. Given the detrimental impact that Verizon's special access performance can have on the Massachusetts economy, it is imperative that the Department take action within its power to correct a problem that accounts for at least some loss of business from Massachusetts.

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[18] *See*, D.T.E. 04-33, *Arbitrator Ruling On AT&T's Motions To Amend The Procedural Schedule And For Extension Of The Judicial Appeal Period; And On Verizon's Motion For Leave To Amend The Petition For Arbitration* (February 7, 2005), at 6 ("The Department chose to proceed forward with this proceeding before the FCC'spermanent rules were issued because the timely amendment of existing interconnection agreements was, and still is, a priority to the Department.") AT&T submits that this matter should be given at least the priority that the Department gave to D.T.E. 04-33.

C. IN ADDITION TO PROVIDING IMPORTANT INFORMATION TO THE FCC, DEPARTMENT ACTION IN THIS CASE CAN HAVE A DIRECT AND BENEFICIAL IMPACT ON VERIZON'S SPECIAL ACCESS PROVISIONING.

The Department's power to influence Verizon's interstate special access provisioning is substantial even if the Department does not have jurisdiction to order Verizon directly to change its interstate special access practices. First, the Department does have jurisdiction over Verizon's **intra**state special access provisioning. There is no reason that the Department should refrain from making findings of fact related to matters over which it has jurisdiction and on which it has a fully compiled and briefed record. Moreover, because Verizon uses the same process to provision both intrastate and interstate circuits, the Department's decision would make it impossible for Verizon to argue that its interstate practices are fair. Verizon may find it increasingly difficult to resist efforts by the competitive industry to obtain non-discriminatory provisioning of interstate circuits.

Verizon's performance alone as reflected in the attached charts and tables shows that it has had little economic incentive to improve its special access provisioning, and indeed it has had strong economic incentives to discriminate against its wholesale carrier customers in the provisioning of special access circuits. In such circumstances, direct government regulation is the best means for curbing Verizon's abuse of its market power and effecting provisioning improvements for all business end-users in Massachusetts. However, in the absence of jurisdiction, an expression of interest in this important issue could still influence Verizon's performance. Upon a finding of facts in this case, the Department can order changes to Verizon's **intra**state special access practices and could, for example, convene a mediation to provide a forum in which AT&T and Verizon can discuss ways to improve Verizon's **inter**state provisioning performance for AT&T. The

Department's presence in the room will provide a subtle incentive to Verizon to engage in meaningful participation. In the absence of the Department's participation, AT&T has no economic leverage over a monopoly provider of special access circuits.

Finally, and perhaps most importantly, the Department can require Verizon to compile and report monthly its interstate special access provisioning performance, even if the Department has no jurisdiction to order changes to Verizon's provisioning of interstate circuits. Indeed, that is precisely what the New York Public Service Commission ("NYPSC") has done. On June 15, 2001, the NYPSC issued an order following an investigation of Verizon's special access provisioning there, in which it found that Verizon was the dominant provider of special access circuits, that its special access provisioning performance was below target, and that the evidence suggests that Verizon treats other carriers less favorably than its retail customers.[19] The NYPSC directed Verizon to provide monthly reports of its special access provisioning in certain critical areas.[20] Verizon objected, asserting in a petition for rehearing, *inter alia*, that the NYPSC lacked authority over interstate special access and that it (Verizon) intended to cease reporting interstate results when it developed the ability to separate the data for interstate and intrastate provisioning performance. In its December 20, 2001 order denying Verizon's petition for rehearing, the NYPSC noted its responsibility to represent the interests of the people of New York before the FCC and its authority to require Verizon to provide information necessary for the NYPSC to make informed filings at the FCC on federal issues relevant to the interests of New York. [21] In that capacity, the

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19 *211 PUR4th 190, Cases 00-C-2051 and 92-C-0665 (June 15, 2001).*

20 *Id.*

21 *Re Verizon New York Inc*, Cases 00-C-2051 and 92-C-0665, (December 20, 2001), at 9.

NYPSC directed Verizon to "provide service quality information about all special services in order to allow the Commission to monitor performance."[22]

Like the NYPSC in New York, the Department regularly represents the interests of Massachusetts citizens in filings before the FCC.[23] In that capacity, the Department has the authority to gather information from the telecommunications industry necessary to facilitate the Department's representation of the interests of Massachusetts before the FCC. Where the federal issue involves the provisioning of interstate special access circuits, the Department has the authority to collect information relevant to its representation of Massachusetts interests at the FCC.

In short, the Department has the power to influence Verizon's interstate and intrastate special access provisioning in a variety of ways. As the agency responsible for regulating a wide range of Verizon's activities, the Department's strong interest in this issue should "matter" to Verizon.. A Department offer to mediate the issue between Verizon and AT&T would demonstrate the Department's strong interest in this important issue. In its capacity as a representative of Massachusetts interests at the FCC, the Department has the power to require Verizon to report its special access provisioning performance on a monthly basis. By requiring Verizon to report its performance, the Department can exert a subtle but potentially effective influence on Verizon to correct

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22 *Id*.

23 The Department has made filings at the FCC in a wide range of matters over the last several years. *See, e.g.,* Comments of the Massachusetts Department of Telecommunications and Energy, March 14, 2002, *In The Matter Of Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338; Reply Comments Of The Massachusetts Department Of Telecommunications And Energy, October 19, 2004, *In the Matter of Unbundled Access to Network Elements*, WC Docket No. 04-313; Reply Comments Of The Massachusetts Department Of Telecommunications And Energy, January 30,2004, *In the Matter of the Review of the Commission's Rules Regarding the Pricing of Unbundled Network Elements and the Resale of Service by Incumbent Local Exchange Carriers*, WC Docket No. 03-173.

problems in special access provisioning that are detrimental to the Massachusetts economy. Finally, an order pursuant to G.L. c. 159, § 16, requiring Verizon to correct its patently unreasonable process for provisioning intrastate circuits is required by law and could have a beneficial affect on Verizon's interstate performance as well.

Conclusion

For the reasons set forth above, AT&T urges the Department to complete its adjudication of an issue that has been fully litigated and remains one of significant importance to the Massachusetts economy and especially the business consumers of high end telecommunications services in the Commonwealth.

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